

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TODD MICHAEL MILLER,

Plaintiff,

v.

AUTOMATED ACCOUNTS, INC.,

Defendant.

NO. CV-09-0052-EFS

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE**

On May 3, 2011, the Court ordered Plaintiff Todd Michael Miller to "file a statement with the Court explaining why this action should not be dismissed for lack of service" no later than May 16, 2011. ECF No. [2](#). The Court further cautioned, "[f]ailure to file a statement will be viewed as consent to dismissal of this action." *Id.* Finally, the Court required Plaintiff's counsel Kirk Miller to both mail a copy of that Order to his client and, most importantly, to file a notice indicating compliance with that copy requirement. *Id.* As of June 9, 2011, nothing was filed by attorney Miller; thus, the Court issued an order requiring attorney Miller to appear and show cause why he failed to comply with the Court's May 3, 2011 Order. ECF No. [3](#).

On June 13, 2011, attorney Miller filed a Notice of Compliance, ECF No. [4](#), wherein he states that a copy of the Court's May 3, 2011 Order was provided to Plaintiff. He also filed a Declaration of Plaintiff's

1 Counsel, ECF No. 5, wherein he states that Plaintiff intends to abandon
2 the claim. Receiving no contrary information from Plaintiff, who
3 received a copy of the show-cause Order, **IT IS HEREBY ORDERED:**

4 1. The Order to Show Cause (ECF No. 3) is **SATISFIED**.

5 2. The Complaint is **DISMISSED** without prejudice.

6 3. This file shall be **CLOSED**.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter
8 this Order and provide copies to counsel.

9 **DATED** this 15th day of June 2011.

10
11 s/Edward F. Shea

EDWARD F. SHEA

12 United States District Judge

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